

Chandka

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 27 OF 2007

Mrs. Pallavi U. Kumbhakarna ..Applicant

versus

Umesh G. Kumbhakarna ..Respondent

Mr. J. D. Khairnar for the Applicant.

Ms. Deepali Kale for the Respondent.

**CORAM : S. A. BOBDE, J.
DATE : 15TH OCTOBER, 2007.**

P.C.

. This is an application by the wife who is residing at Ravalgaon for transfer of the divorce proceedings filed by the husband at Kopargaon. The parties attempted mediation, but mediation has failed. There is no dispute that the applicant - wife has no source of income and is surviving at the mercy of her parents along with the five year child born from the marriage. There is also no dispute that the respondent - husband runs a shop at Shirdi and has a source of income.

2. In these circumstances, it is clear that it

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would be appropriate in the interest of justice if the matters i.e. both the divorce petition and custody petition are transferred from the Court at Kopargaon for being heard and tried at the Court at Malegaon. Hence, Misc. Civil Application is allowed in terms of prayer clauses (a) and (b), which reads as follows:

"(a) That this Hon'ble Court be pleased to direct the learned Civil Judge Senior Division, Kopargaon at Kopargaon to transfer the Petition being No. 63 of 2005 to Civil Judge Senior Division, Malegaon at Malegaon to entertain, try and dispose off the Petition;

"(b) That this Hon'ble Court be pleased to direct the Learned Additional District and Session's Court, Kopargaon at Kopargaon to transfer the Guardian Application No. 39 of 2006 to Additional District and Session's Court Malegaon at Malegaon;

(S.A. BOBDE, J.)